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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/305,234

05/04/1999

GEORGE V. GUYAN

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28164

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11/17/2005

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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/305,234

Applicant(s)

GUYAN ET AL.

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,33,35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 33, 35, 37-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-21, 33, 35 and 37-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1: In line 18, the requirement for “the user to create the rules” is not in the original disclosure. Page 184 provides the closest discussion to this feature when it refers to rules being used to create tasks, but there is no discussion in the disclosure of the rules being created, or creation by a user. Line 22 calls for “task which is automatically selected”. There is no basis or suggestion of this feature in the specification.

Claim 2: Depends on claim 1.

Claim 3: Line 3 calls for “said task is automatically selected based on the event received in the event queue. The original specification contains no mention of automatic task selection, or automatic task selection which is dependent upon events received

Claim 4: Depends on claim 3.

Claim 5: Lines 2-3 refer to the step of “match the event from the event queue with the predetermined event defined in the rules”. This step is not in the original specification. Page 185 provides the closest discussion and refers to matching a claim’s characteristics to the tasks

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defined in a task library. However, this is not the same as matching events in a queue to events defined by rules. The step is not defined in the original specification.

Claims 6-7: Depend on claim 1.

Claim 8: Same grounds of rejection as claim 1.

Claim 9: Depends on claim 8.

Claim 10: Same grounds of rejection as claim 3.

Claim 11: Lines 2-3 recite “the outputted task is automatically selected based on the claim characteristics identified in the rules. The original specification makes no mention of automatically selecting tasks, or basing such automatics selection on identified claim characteristics.

Claim 12: Lines 2-3 recite “said outputted task is automatically selected based on matching the event from the event queue with the predetermined event defined in the rules”. The original specification does not disclose automatic task selection. It also does not disclose automatics task selection based on matching events in an event queue with predetermined events in rules.

Claim 13-14: Depend on claim 8.

Claim 15: Same grounds of rejection as claim 1.

Claim 16: Depends on claim 15.

Claim 17: Same grounds of rejection as claim 3.

Claim 18: Depends on claim 16.

Claim 19: Depends on claim 18.

Claim 20: Depends on claim 15.

Claim 21: Depends on claim 15.

Claim 33: Depends on claim 5.

Claim 35: Depends on claim 11.

Claim 37: Depends on claim 18.

Claim 38: Same grounds of rejection as claim 5.

Claim 39: Lines 3-4 recite the step of “match the claim characteristic to a predetermined characteristic defined in the rules”. This feature is not recited in the original specification.

Claim 40: Depends on claim 39.

Remarks

Applicant's arguments are moot in light of the new grounds of rejection, necessitated by the current amendment. Issues of new matter are identified in each of the independent claims based on the current amendment, and several of the dependent claims based on the amendment, as described herein.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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